

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO. 2019-224-E

In the Matter of:)	
)	
South Carolina Energy Freedom Act)	
(House Bill 3659) Proceeding)	PETITION TO INTERVENE
Related to S.C. Code Ann. Section)	
58-37-40 and Integrated Resource)	
Plans for Duke Energy Carolinas,)	
LLC)	

The South Carolina Coastal Conservation League (“CCL”), Southern Alliance for Clean Energy (“SACE”), and Upstate Forever (collectively, “Petitioners”), through counsel, hereby petition the Public Service Commission of South Carolina (“Commission”), pursuant to R. 103-825 of the Commission’s rules, to intervene in the above-captioned docket. In support of this petition, Petitioners state as follows:

1. Duke Energy Carolinas, LLC (“DEC”) is an investor-owned utility that is regulated by the Commission. S.C. Code Ann. § 58-3-140. The Commission regulates and supervises DEC as to, among other things, its rates, services, facilities, and practices. *Id.*; *see also* R. 103-810 of S.C. Code of Regs. (citing S.C. Code Ann., §§ 58-27-10 *et seq.*). DEC’s rates, services, facilities, and practices are relevant to, and in part a function of, the development of its Integrated Resource Plan (“IRP”).

2. DEC must prepare IRPs, file them with the Commission every three years, and update them on an annual basis. *See* S.C. Code §§ 58-37-10 and 58-37-40 and Commission Order Nos. 1998-502 and 2010-124.

3. In Commission Order No. 1998-502, the Commission required IRP filings to include a 15-year demand and energy forecast; the utility's program for meeting its forecast requirements in an economic and reliable manner, including both demand-side and supply-side options; a brief description and summary of cost-benefit analysis, if available, of each option considered, including those not selected; and the supplier's or producer's assumptions and conclusions with respect to the plan's effect on the cost and reliability of energy service, and a description of the external, environmental and economic consequences of the plan to the extent practicable. Commission Order No. 1998-502; *see also* S.C. Code § 58-37-10; S.C. Code § 58-37-40 (setting forth revised requirements).

4. In Order No. 2012-26, the Commission declared that "the Commission's integrated resource planning process [constitutes] a proceeding under Section 103-804(Q) of our regulations, into which intervention is permitted." In rendering this decision, the Commission noted that "[t]he IRP process is an important planning tool for the Companies and the Commission," and that "a transparent and open process in this regard allows for increased sharing of information and ideas, which is valuable to all interested parties." Commission Order No. 2012-26. The Commission indicated that in future IRP dockets, intervention requests would be considered by the Commission.

5. The South Carolina Energy Freedom Act (H.3659) ("EFA"), S.C. Code § 58-37-40, passed in 2019, provides for Commission review of each utility's IRP and set forth new IRP requirements. Intervention and discovery are expressly provided under the EFA in order to assist parties in obtaining evidence concerning the IRP, including the reasonableness and prudence of the plan and alternatives to the plan raised by intervening

parties. The Commission has 300 days after a utility's IRP filing to approve, modify, or deny the IRP based on consideration of resource adequacy and capacity to serve anticipated peak electrical load, and applicable planning reserve margins; consumer affordability and least cost; compliance with applicable state and federal environmental regulations; power supply reliability; commodity price risks; diversity of generation supply; and public interest.

6. Although DEC does not plan to file a comprehensive, EFA-compliant IRP until September 2020, DEC is expected to file an annual IRP update with the Commission on or around September 6, 2019.

7. Petitioners seek to intervene in this docket to advocate for integrated resource planning that evaluates resource alternatives and results in a low-cost, reliable portfolio of supply- and demand-side resources with minimal harmful environmental impacts and costs to ratepayers.

8. CCL is a nonprofit corporation organized under the laws of the State of South Carolina. The principal address of CCL is 131 Spring Street, Charleston, South Carolina 29403. As an advocate for conservation and energy efficiency, CCL supports development of energy policy that is in the public interest of South Carolinians. CCL has members in South Carolina who receive electricity service from DEC and who would be subject to the impacts of DEC's integrated resource planning, which influences decision-making about supply- and demand-side resources utilized and impacts the cost of electricity.

9. SACE is a nonprofit organization whose mission is to promote responsible energy choices that create global warming solutions and ensure clean, safe, and healthy

communities throughout the Southeast. The principal address of SACE is P.O. Box 1842, Knoxville, Tennessee 37901. SACE also has offices in Florida, Georgia, North Carolina, and South Carolina. SACE and its members have an interest in promoting greater reliance on clean, low-cost energy, and have an interest in DEC's IRP. SACE has members in South Carolina who receive electricity service from DEC and who would be subject to the impacts of DEC's integrated resource planning, including resource selection and the cost of electricity.

10. Upstate Forever is a non-profit, membership-based organization existing under the laws of the State of South Carolina. The principal address of Upstate Forever is 507 Pettigru Street, Greenville, South Carolina 29601. Upstate Forever promotes sensible growth and the protection of special places in the Upstate region of South Carolina. Upstate Forever has members who receive electric service from DEC and are subject to the impacts of the utility's resource planning process and subsequent decision-making.

11. The provision of reliable and economical electricity, and all decisions related thereto, impact Petitioners and their members. A utility's IRP and the resource mix contained therein impacts the cost of electricity to customers. Moreover, the manner in which DEC conducts its integrated resource planning, and whether it does so in a fiscally and environmentally responsible manner, is directly relevant to the purpose of Petitioners' organizations. Accordingly, Petitioners and their members have a direct interest in this proceeding.

12. Petitioners are represented by the following counsel in this proceeding:

James Blanding Holman, IV
Stinson Woodward Ferguson

Southern Environmental Law Center
463 King Street, Suite B
Charleston, SC 29403
Telephone: (843) 720-5270
Fax: (843) 720-5240
bholman@selcsc.org
sferguson@selcsc.org

WHEREFORE, Petitioners pray that they be allowed to intervene in this matter.

Respectfully submitted this 19th day of August, 2019.

s/ J. Blanding Holman, IV
SC Bar No. 72260

Stinson W. Ferguson
SC Bar No. 79871

Southern Environmental Law Center
463 King Street, Suite B
Charleston, SC 29403
Telephone: (843) 720-5270
Fax: (843) 720-5240

Attorneys for Petitioners

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In re: South Carolina Energy)	
Freedom Act (House Bill 3659))	
Proceeding Related to S.C. Code)	CERTIFICATE OF SERVICE
Ann. Section 58-37-40 and Integrated)	
Resource Plans for Duke Energy)	
Carolinas, LLC)	

I certify that the following persons have been served with one (1) copy of Petition to Intervene by electronic mail and/or U.S. First Class Mail at the addresses set forth below:

Andrew M. Bateman
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Heather Shirley Smith
Duke Energy Carolinas, LLC
40 W. Broad Street, Suite 690
Greenville, SC 29601

Jeffrey M. Nelson
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Nanette S. Edwards
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

Rebecca J. Dulin
Duke Energy Carolinas, LLC
1201 Main Street, Suite 1180
Columbia, SC 29201

Richard L. Whitt
Whitt Law Firm, LLC
Post Office Box 362
Irmo, SC 29063

/s/ Emily E. Selden

August 19, 2019